



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V.HOSMANI
MISCELLANEOUS FIRST APPEAL NO.102701 OF 2015 (MV)

BETWEEN:

SHRIDHAR S/O YALLAPPA ANGADI,
AGE: 33 YEARS, OCC: AGRICULTURE AND SERVICE
AT KARNATAKA JAL MANDALI, DHARWAD,
R/O: HANUMANAL, POST: UPPINA-BETAGERI,
TQ: AND DIST: DHARWAD.

...APPELLANT

(BY SRI HANAMANT R. LATUR, ADVOCATE)

AND:

1. RUDRAGOUDA S/O MALLANAGOUDA HANNANNAVAR,
AGE: 50 YEARS, OCC: BUSINESS,
R/O: HANAMANAL, PO: UPPINA-BETAGERI,
TQ: AND DIST: DHARWAD.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
SHRINIVAS TALKIES COMPLEX,
1ST FLOOR, MARKET, P.B.NO.54, DHARWAD-1.

...RESPONDENTS

(BY SRI NR KUPPELUR, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED)



THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, AGAINST THE JUDGMENT AND AWARD DATED 06.01.2015 PASSED IN MVC NO.720/2011 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIM TRIBUNAL, DHARWAD, DISMISSING THE PETITION FILED UNDER SECTION 166 OF MOTOR VEHICLES ACT & ETC.

THIS MFA COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI



ORAL JUDGMENT

Challenging judgment and award dated 06.01.2015 passed by III Addl. Senior Civil Judge and Addl. MACT, Dharwad ('Tribunal' for short) in MVC no.720/2011, this appeal is filed.

2. Sri Hanamant R Latur, learned counsel for appellant submits that, appeal was by claimant challenging dismissal of claim petition. It was submitted that on 11.06.2010 at 8:00 p.m., when claimant was walking by side of Uppina Betageri, Harobelawadi road, near Hanumanal cross, rider of motorcycle no.KA-30/H-3535, rode it in rash and negligent manner and dashed against claimant causing accident. Claimant took inpatient treatment at KIMS Hospital, Hubballi, from 12.06.2010 to 15.06.2010 and thereafter from 01.07.2010 to 05.07.2010 at SDM Dental Hospital, Dharwad. Despite treatment, he did not recover fully and sustained loss of earning capacity. Therefore, he filed claim petition against owner and insurer of motorcycle under Section 166 of Motor Vehicles Act, 1988 ('**MV Act**' for short).

3. On service of notice, only insurer filed objections opposing claim petition. It was contended that claim petition was based on a false complaint lodged by claimant after one month



without any justification. That claim petition was vexatious and based on manipulated record and claim petition was also opposed on other grounds such as negligence, liability etc.

4. Based on pleading, tribunal framed issues and recorded evidence. Claimant deposed as PW1 and got marked Exhibits P1 to P11. On other hand, official of insurer was examined as RW1 and got marked Exhibits R1 to R4.

5. On consideration, tribunal dismissed claim petition. Primary reason assigned for dismissal was as per claimant and police investigation records, accident occurred when claimant was walking by side of road, driver of insured vehicle drove it in rash negligent manner and dashed against claimant causing accident. But, Ex.P11 - discharge summary issued by SDM Dental Hospital, Dharwad would contain an entry in history of injuries as fall from motorcycle. It was submitted that mere minor inconsistency in manner of accident in between records when independent agency i.e. police after investigation, arraigned rider of motorcycle by filing Ex.P6 - charge sheet. Therefore, dismissal of claim petition was not justified. On said ground, sought for allowing appeal.



6. On other hand, Sri NR Kuppelur, learned counsel for respondent no.2 - insurer opposed appeal. It was submitted, entry in Ex.P11 was apparently based on information furnished by claimant himself. Moreover, a complaint in instant case was filed 30 days after accident would cause grave doubt. Under such circumstances, dismissal of claim petition by tribunal was justified and sought for dismissal of appeal.

7. From above and since only claimant is in appeal challenging dismissal of claim petition, point that would arise for consideration is:

‘Whether tribunal erred in dismissing claim petition?’

8. My answer to same is in ‘negative’ for following reasons.

9. At outset, occurrence of accident and claimant sustaining injuries therein are not in dispute. Claimant alleges that at time and date of accident while claimant was a pedestrian, rider of insured motorcycle, rode it in rash and negligent manner, dashed against claimant and caused accident. Contents of Exhibit P11 - discharge summary would mention history of injuries. In history of injuries column, injuries were



due to fall from motorcycle. While passing impugned award, Tribunal noted discrepancy between police investigation records and Ex.P11 - discharge summary about manner of occurrence of accident. It also noted that Ex.P2 - complaint was filed 30 days after incident in question without proper explanation. On a cumulative assessment of said aspects, it disbelieved claimant version and dismissed claim petition.

10. Entries in Ex.P11 are admittedly at instance of claimant himself. In absence of any specific satisfactory explanation about discrepancy as well as for filing of complaint belatedly, reliance on Exs.P2 and P11 by tribunal and arriving at conclusion disbelieving claimant's version cannot be stated to be a conclusion contrary to record or by ignoring relevant material and therefore, cannot be stated to be perverse entitling interference. Consequently, following:

ORDER

Appeal is dismissed.

**Sd/-
(RAVI V.HOSMANI)
JUDGE**

EM/CLK
CT:VP
LIST NO.: 1 SL NO.: 15